

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Juan Arango	Team: Squad #9	CCRB Case #: 202000053	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 12/24/2019 11:05 PM	Location of Incident: § 87(2)(b)	Precinct: 81	18 Mo. SOL 6/24/2021	EO SOL 2/8/2022	
Date/Time CV Reported Tue, 12/24/2019 11:12 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 01/03/2020 11:26 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Matthew Perry	14905	966272	081 PCT
2. POM Justin Adetimirin	12522	965920	081 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Bendel Jupiter	04718	964579	081 PCT
2. POM Geraldlee Prescott	3488	967653	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Justin Adetimirin	Abuse: Police Officer Justin Adetimirin damaged § 87(2)(b) property.	§ 87(2)(b)
B.POM Justin Adetimirin	Abuse: Police Officer Justin Adetimirin entered the basement of § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C.POM Justin Adetimirin	Discourtesy: Police Officer Justin Adetimirin spoke discourteously to § 87(2)(b)	§ 87(2)(b)
§ 87(4-b), § 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On December 24, 2019, § 87(2)(b) filed this complaint by phone with IAB, generating log number 2019-45858, which was received by the CCRB on January 3, 2020.

On December 24, 2019, at approximately 11:05 PM, PO Justin Adetimirin and PO Matthew Perry, of the 81st Precinct, arrived at § 87(2)(b) in Brooklyn, responding to a 911 call from § 87(2)(b) who said that her nephew, § 87(2)(b) had turned off the circuit breaker to her bedroom, cutting off the electricity, and further, that she had locked herself in her bedroom and § 87(2)(b) was trying to get in.

After § 87(2)(b) refused to provide the officers with a key to the basement where the circuit breaker was located, PO Adetimirin used a screwdriver he received from § 87(2)(b) to open the door, allegedly damaging the door (**Allegation (A) Abuse of Authority – Property Damage, § 87(2)(g)**) (**Allegation (B) Abuse of Authority – Entry of Premises, § 87(2)(g)**).

PO Adetimirin and PO Perry left the scene, then returned several minutes later to respond to a 911 call from § 87(2)(b). § 87(2)(b) wanted to file a report against § 87(2)(b) for letting his dog loose outside the house (**Allegation (C) Discourtesy – Word, § 87(2)(g)**).

The investigation obtained two BWC videos from two uninvolved officers who responded to the first 911 call. The BWC videos do not capture the interval of the incident during which allegations occurred. § 87(4-b), § 87(2)(g)

No arrests were made nor summonses issued as a result of this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Justin Adetimirin damaged § 87(2)(b) property.

Allegation (B) Abuse of Authority: Police Officer Justin Adetimirin entered the basement of § 87(2)(b) in Brooklyn.

It is undisputed that § 87(2)(b) resided at § 87(2)(b) in Brooklyn with his grandmother, § 87(2)(b) and his aunt, § 87(2)(b). It is undisputed that § 87(2)(b) turned off the circuit breaker for the electricity in § 87(2)(b) bedroom, and that § 87(2)(b) called 911 to report this. It is further undisputed that the circuit breaker for the home was located in the basement, a common area of the home, in which no one resided. It is also undisputed that § 87(2)(b) had the only key to the basement and refused to provide the key to the officers to unlock the basement door. It is undisputed that PO Adetimirin used a screwdriver given to him by § 87(2)(b) to open the locked door, and that he and PO Perry went downstairs to the basement and turned the circuit breaker back on. It is undisputed that PO Adetimirin was aware that § 87(2)(b) resided in the home with § 87(2)(b).

§ 87(2)(b) stated that when PO Adetimirin used the screwdriver to pry open the lock to the basement door, he broke the wood trim around the door frame (**Board Review 01**).

§ 87(2)(b) confirmed that she had access to warm water, a working kitchen and bathroom on the incident date, and believed that the house was heated by gas (**Board Review 12**). However, the entire house, including her room, was not heated on the incident date because, according to § 87(2)(b), there was an issue with the boiler. § 87(2)(b) said that she was using a space heater in her room to keep it warm; however, when § 87(2)(b) cut the electricity to her room, the space heater was also turned off and the room was cold (**Board Review 14**).

§ 87(2)(b) confirmed that the entire house is heated by a gas boiler. Initially, he stated that he was not sure if there was heat on the incident date; however, he ultimately stated that the house was heated (**Board Review 13, 15**).

PO Adetimirin stated he inserted the screwdriver between the door and the frame and unlocked

the door, but the door was not damaged in the process. PO Adetimirin stated that upon returning upstairs, he told § 87(2)(b) that it was freezing outside and Christmas Eve, but § 87(2)(b) did not care (**Board Review 03**).

PO Perry stated that § 87(2)(b) told him that § 87(2)(b) had turned off the electricity to her bedroom, so she had no heat in her bedroom. When asked if he considered it to be an emergency to turn the electricity back on, PO Perry said “at the time, yeah.” When asked what factors contributed to this assessment, PO Perry said that it was cold out. § 87(2)(b) had asked them to turn the heat back on. § 87(2)(b) heated her bedroom with an electric space heater that plugged into the wall, so with the electricity off, the space heater stopped functioning. PO Perry did not remember if the bedroom seemed colder than the temperature in the rest of the house (**Board Review 05**).

PO Perry confirmed § 87(2)(b) statement that she was using an electric heater in her room, and PO Adetimirin stated that he had a conversation with § 87(2)(b) about the temperature. § 87(2)(g)

The consent to conduct a warrantless search of a residence given by one occupant is not valid in the face of the refusal of another occupant who is physically present at the scene to permit a warrantless search. Georgia v. Randolph, 547 U.S. 103, 108 (2006) (**Board Review 16**)

Officers are permitted to enter a premise without a warrant if they reasonably believe that there is an emergency and an immediate need for their assistance for the protection of life or property and a reasonable basis to associate the emergency with the area being entered. People v. Rodriguez, 77 AD.3d 280 (2010) (**Board Review 17**)

§ 87(2)(g)

Allegation (C) Discourtesy: Police Officer Justin Adetimirin spoke discourteously to § 87(2)(b)

It is undisputed that PO Adetimirin and PO Perry left § 87(2)(b) in Brooklyn, but then returned almost immediately because § 87(2)(b) called 911 to file a report against § 87(2)(b) for taking his dog out of the house without his consent. It is undisputed that PO Adetimirin exchanged words with § 87(2)(b) while § 87(2)(b) was standing on the third-floor landing and PO Adetimirin was standing halfway up the stairs to the third floor. It is undisputed that PO Adetimirin told § 87(2)(b) that they would not take his report.

In his CCRB statement, § 87(2)(b) alleged that PO Adetimirin told him “Get the fuck out of here. Don’t waste our time.”

§ 87(2)(b) Philips, another resident of the home, stated that he was standing behind § 87(2)(b) on the third-floor landing, and heard PO Adetimirin say to § 87(2)(b) “I don’t give a fuck about your dog, we’re not here for that.” (**Board Review 04**).

§ 87(2)(b) stated that she was coming down the stairs from the third floor to the second floor when she passed PO Adetimirin on the stairs having a conversation with § 87(2)(b). When asked if she heard officers use profanity to § 87(2)(b) during this conversation, § 87(2)(b) stated that she did not hear any profanity. When asked what the substance of this conversation was, § 87(2)(b) stated that PO Adetimirin was telling § 87(2)(b) that he didn’t “have time for this foolishness” and § 87(2)(b) was taking up their time when they had a community to serve.

PO Adetimirin stated he did not use any profanity while speaking to § 87(2)(b)

PO Perry, who was standing in the second-floor hallway behind PO Adetimirin, stated that he did not recall whether PO Adetimirin used the word “fuck” while speaking to § 87(2)(b) (Board Review 05).

Neither PO Adetimirin nor PO Perry activated their body-worn cameras during this incident.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one previous CCRB complaint and has been named as a victim in four allegations (Board Review 08):
 - § 87(2)(b)
 - PO Perry has been a member-of-service for two years and this is the first CCRB complaint to which he has been a subject.
 - PO Adetimirin has been a member-of-service for two years and has been a subject in two previous CCRB complaints and three allegations, none of which were substantiated. to which he has been a subject. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of October 29, 2020, the NYC Officer of the Comptroller has no record of Notice of Claim being filed with regards to this complaint (Board Review 10).
- § 87(2)(b)

Squad No.: 9

Investigator: _____
Signature Print Title & Name Date

Squad Leader: Monique West IM Monique West 11/08/2021
Signature Print Title & Name Date

Reviewer: _____

Signature Print Title & Name Date